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AT SEATTLE  
CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
DEPUTY

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

C08-0510P

Richard O. Buse,

Plaintiff,

v.

First American Title Insurance Company,  
Foreclosurelink, Inc., Greenpoint Mortgage  
Funding, Inc., Mortgage Electronic  
Registration Systems, Inc., Rescomm  
Holdings No. 2, LLC, UM Acquisitions,  
LLC, Tom Block, and Doe Defendants I  
through 20,

Defendants.

Case No.

NOTICE OF REMOVAL BY  
DEFENDANT MORTGAGE  
ELECTRONIC REGISTRATION  
SYSTEMS, INC.



08-CV-00510-CMP

TO: THE CLERK OF THE COURT

AND TO: ALL PARTIES, THROUGH COUNSEL OF RECORD

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331, 1367 and 1441(b), and Western District Local Rule 101, Defendant Mortgage Electronic Registration Systems, Inc. ("Mortgage Electronic"), through its undersigned counsel, hereby removes the above-captioned action from the Superior Court of the State of Washington for King County to the United States District Court for the Western District of Washington. This removal is based upon federal question jurisdiction and is timely.

NOTICE OF REMOVAL BY DEFENDANT  
MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC. - 1

DLA Piper US LLP  
701 Fifth Avenue, Suite 7000  
Seattle, WA 98104-7044 | Tel: 206.839.4800

SDA16594

1 In support of its removal of this action, Mortgage Electronic states the following:

2 1. On March 5, 2008, Plaintiff Richard O. Buse ("Plaintiff") filed this action in the  
3 Superior Court of the State of Washington for King County, Cause No. 08-2-08093-5 SEA.  
4 The matter was assigned to The Honorable Christopher A. Washington. The Court issued an  
5 initial case Scheduling Order upon the filing of the Complaint.

6 2. Mortgage Electronic was not served with the original Complaint.

7 3. One day later, on March 6, 2008, Plaintiff filed an Amended Complaint with the  
8 King County Superior Court against the following defendants: First American Title Insurance  
9 Company, Foreclosurelink, Inc., Greenpoint Mortgage Funding, Inc., Mortgage Electronic  
10 Registration Systems, Inc., Rescomm Holdings No. 2, LLC, UM Acquisitions, LLC, Tom  
11 Block, and Doe Defendants 1 through 20. Plaintiff alleges violations of the Real Estate  
12 Settlement Procedures Act, 12 U.S.C. § 2601, *et. seq.*, and various state law claims. A copy of  
13 Plaintiff's state court Amended Complaint is attached to this Notice as Exhibit 1.

14 4. On March 6, 2008, Plaintiff also filed an *ex parte* Motion for Temporary  
15 Restraining Order and Permanent Injunction and the Declaration of Richard O. Buse in support.  
16 A copy of Plaintiff's Motion and the supporting Buse Declaration is attached to this Notice  
17 within Exhibit 2.

18 5. On March 6, 2008, The Honorable Court Commissioner Eric Watness issued an  
19 *ex parte* Order on Motion for Temporary Restraining Order. A copy of the Court's Order on  
20 Motion for Temporary Restraining Order is attached to this Notice within Exhibit 2.

21 6. On March 13, 2008, Plaintiff served a copy of the Amended Complaint on  
22 Mortgage Electronic. This Notice of Removal is therefore timely under 28 U.S.C. § 1446(b),  
23 as it was filed within thirty days of service of Plaintiff's Amended Complaint.

24 7. On March 26, 2008, DLA Piper US LLP filed a Notice of Appearance on behalf  
25 of Mortgage Electronic in the King County Superior Court action. A copy of Mortgage  
26 Electronic's Notice of Appearance is attached to this Notice within Exhibit 2.

1           8.       This action is properly removable under 28 U.S.C. § 1441 because Plaintiff's  
2 claims are based, at least in part, upon violations of the Real Estate Settlement Procedures Act,  
3 12 U.S.C. § 2601, *et. seq.* Therefore, this Court has original jurisdiction over this action  
4 pursuant to 28 U.S.C. § 1331 and this case may be removed to this Court pursuant to 28 U.S.C.  
5 §§ 1441 and 1446.

6           9.       This Court has supplemental jurisdiction over the remaining state law claims in  
7 this case pursuant to 28 U.S.C. § 1367 and jurisdiction over any separate and independent  
8 claims pursuant to 28 U.S.C. § 1441(c).

9           10.      Because this is the United States District Court for the district and division  
10 where Plaintiff's state court action was pending, this is the appropriate court for removal under  
11 28 U.S.C. §§ 28 and 1441(a).

12          11.      By filing this Notice of Removal, Mortgage Electronic does not waive any  
13 defenses to the claims asserted by Plaintiff that may be available to it or concede that Plaintiff  
14 has stated any claim upon which relief may be granted.

15          12.      This Notice of Removal has been served upon all parties pursuant to  
16 28 U.S.C. § 1446(d), and written notice of the filing of this Notice of Removal has been filed  
17 with the King County Superior Court.

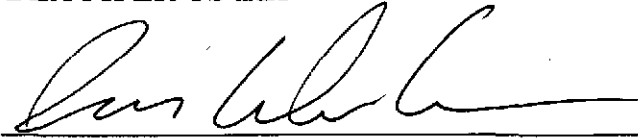
18          13.      Pursuant to 28 U.S.C. § 1446 and Local Rule 101(b), and the conjoined  
19 verification of Russell B. Wuehler, attached as Exhibit 2 is a copy of all pleadings and  
20 documents filed in the state court action (other than the Amended Complaint, which is attached  
21 as Exhibit 1).

22 *[Remainder of page intentionally left blank.]*  
23  
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1 Based on the foregoing, Mortgage Electronic removes this action to this Court.

2 Dated this 1st day of April, 2008.

3 **DLA PIPER US LLP**

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5  
6 Stelman Keehnell, WSBA No. 9309  
7 Russell B. Wuehler, WSBA No. 37941  
8 DLA PIPER US LLP  
9 701 Fifth Avenue, Suite 7000  
10 Seattle, WA 98104-7044  
11 Telephone: 206.839.4800  
12 Fax: 206.839.4801  
13 E-mail: stelman.keehnell@dlapiper.com  
14 E-mail: russell.wuehler@dlapiper.com

15  
16 Attorneys for Defendant Mortgage Electronic  
17 Registration Systems, Inc.

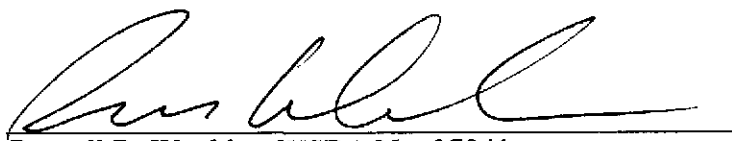
**VERIFICATION**

Pursuant to Western District of Washington Local Rule 101(b), the undersigned counsel for Defendant Mortgage Electronic Registration Systems, Inc. hereby verifies that the pleadings and other documents attached hereto as Exhibits 1 and 2 are true and complete copies of the pleadings and documents in the state court proceeding.

Mortgage Electronic notes that a complete copy of the Summons in the underlying action is not attached hereto, but only the cover page of the Summons is attached. This is because Mortgage Electronic did not receive a complete copy of the Summons. Furthermore, on April 1, 2008, the undersigned counsel directed a courier service to go to the King County courthouse to make a complete copy of the Summons and learned that the King County court also does not have a complete copy of the Summons. Thus, the attached documents constitute a complete copy of all pleadings and documents in the state court proceeding that are in Mortgage Electronic's possession or are otherwise available through the King County courthouse. The undersigned counsel will supplement this Verification if and when a complete copy of the Summons is received.

I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED at Seattle, Washington this 1st day of April, 2008.

  
Russell B. Wuehler, WSBA No. 37941

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